

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
FEBRUARY 12, 2015
TOWN HALL
6:30 p.m.**

CALL TO ORDER: Mayor Steven Burg called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MAYOR	STEVEN BURG	PRESENT
1 ST DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 ND DISTRICT	PATRICIA FRANTZ	PRESENT
3 RD DISTRICT	ROBERT KACPERSKI	PRESENT
4 TH DISTRICT	CHARLES MCKEWEN	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	DEBORAH A. NORKAVAGE	PRESENT

Town Solicitor, Edward McNally – Present

Town Manager, John Giles – Present

Chief of Police, Laura Giles – Present

At this time Mayor Burg asked for a moment of silence for the passing of long-time resident Debbie Naughton.

PUBLIC COMMENT:

Mr. Edward Zielinski, 1334 Maple Avenue, stated “How much more do residents need to pay for the Council’s reckless spending” that he does not agree with the fact that the Town is putting potentially \$2,695.00 towards the Walking Path Project and why are we using Federal Highway Funds for a recreational path when the Town needs to repair most of the streets in the Town.

Mayor Burg stated that the \$2,500.00 that was approved by the Mayor and Council as a precaution should the County Council not approve the \$2,500.00 commitment by County Councilman Reda will no longer be needed because the County Council has approved those funds and we should be getting a check any day.

Councilwoman Norkavage stated that the federal money that was awarded was awarded for projects like this and can only be used on projects like this not roadways and that if the Town didn’t take advantage of these funds then another community would get them.

Councilman Jaremchuk stated that the Town had a choice to make when this grant became available several years ago, either accept the money and bring an attraction to the Town such as a 1 mile walking path at little to no cost to the Town or turn down the nearly 1 million dollar project and the increased property values that come with it.

APPROVAL OF MINUTES:

Minutes of the January 8, 2015 Council Meeting

ACTION: A motion was made by Councilwoman Personti to approve the minutes of the January 8, 2015 Council Meeting with one correction on Page 4 the first paragraph line 3 should read “County Councilman Reda” not “Council Councilman Reda”. The motion was seconded by Councilwoman Norkavage.

VOTE: 6-0 with 1 Abstained Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – Yes, 4th District – Abstained,
5th District – Yes, 6th District – Yes, Mayor – Yes

Councilman McKewen abstained due to being absent from the January 8, 2015 Council Meeting.

OLD BUSINESS:

Consideration for Third and Final Reading of Ordinance 589:

ACTION: A motion was made by Councilwoman Personti to approve Ordinance 589 for third and final reading. The motion was seconded by Councilwoman Norkavage.

Councilwoman Personti gave a brief overview of this ordinance.

VOTE: 7-0 All-in-Favor Motion carried

Consideration for Third and Final Reading of Ordinance 590:

ACTION: A motion was made by Councilman McKewen to approve Ordinance 590 for third and final reading. The motion was seconded by Councilwoman Personti.

VOTE: 7-0 All-in-Favor Motion carried

Consideration for Third and Final Reading of Ordinance 591:

ACTION: A motion was made by Councilman McKewen to approve Ordinance 591 for third and final reading. The motion was seconded by Councilwoman Personti.

VOTE: 7-0 All-in-Favor Motion carried

Discussion concerning the Energy Audit completed for the Town Hall and discussion on how to best move forward with the proposal from Diamond State Engineering to provide the technical services needed to proceed with the recommendations of the audit:

Town Manager John Giles stated that he would like the council to approve an expense of \$6,400.00 to perform a site audit and to write the specifications to make the recommended repairs so that the Town can send out RFP's to perform the work to save

the Town money for energy saving repairs to the Town Hall. He also stated that the boiler system currently needs over \$10,000.00 in repairs to keep it running.

At this time there was a lengthy discussion regarding the needed repairs to the boiler system.

ACTION: A motion was made by Councilman Jaremchuk to approve the proposal by Diamond State Engineering in the amount of \$6,400.00 to review the energy audit and prepare bid documents to fulfill the recommendations in the energy audit. The motion was seconded by Councilwoman Frantz.

VOTE: 7-0 All-in-Favor Motion carried

ACTION: A motion was made by Councilman Jaremchuk to increase the Building Maintenance Line item by \$6,400.00. The motion was seconded by Councilwoman Frantz.

VOTE: 7-0 All-in-Favor Motion carried

Town Manager John Giles requested that the Mayor and Council approve the repair of the boiler system and forgo the bid process due to the emergency nature of the repair.

ACTION: A motion was made by Councilwoman Frantz to approve the repair of the boiler system and to forgo the formal bid process for the repair of the existing boiler repairs due to the emergency nature of the needed repair. The motion was seconded by Councilman McKewen.

VOTE: 7-0 All-in-Favor Motion carried

Review of the proposals received in response to RFP 15-01 (Window Replacement or repair in the Department of Public Safety) and potentially awarding a contract based upon these proposals:

Chief Laura Giles stated that only one bid was received and that only two contractors conducted the mandatory site visit.

Bid #1 – Submitted by Amacorp - Bid amount of \$28,900.00

Chief Laura Giles stated that she does not believe that this repair is of an emergency nature and can wait. The temporary repair of plastic over the windows has been helping keep the temperature up.

ACTION: A motion was made by Councilman Jaremchuk to not award the project at this time. The motion was seconded by Councilwoman Personti.

VOTE: 7-0 All-in-Favor Motion carried

NEW BUSINESS:

Introduction for first and second reading of Ordinance 592.

ACTION: A motion was made by Councilman McKewen to consider Ordinance 592 for first and second reading. The motion was seconded by Councilwoman Personti.

VOTE: 6-1 Motion carried

1st District – No, 2nd District – Yes, 3rd District – Yes, 4th District – Yes,
5th District – Yes, 6th District – Yes, Mayor – Yes

Introduction for first and second reading of Ordinance 593.

ACTION: A motion was made by Councilman McKewen to consider Ordinance 593 for first and second reading. The motion was seconded by Councilwoman Norkavage.

VOTE: 7-0 All-in-Favor Motion carried

Consideration of participation in the Department of Natural Resources and Environmental Controls Mosquito Control Program for 2015. As well as, a request by the Town Manager to participate in the program annually without need for further action by the Mayor and Council.

ACTION: A motion was made by Councilwoman Personti to participate in the Department of Natural Resources and Environmental Controls Mosquito Control Program as well as to participate in this program annually without further action by the Mayor and Council. The motion was seconded by Councilwoman Norkavage

VOTE: 7-0 All-in-Favor Motion carried

Consideration of a request by the Town Manager to upgrade the security system at the Public Works yard at a cost of \$6,905.00.

Town Manager John Giles explained that the public works shop was again broken into, this time there was a significant amount of damage to one of the sheds that they tried to get into and a tool kit was stolen. There is currently no security beyond the walls of the building so anything in the yard is behind a chain link fence with no cameras and no security. They are repeatedly cutting the fence and entering into the property.

At this time there was a consensus among council to not take action on this item at this time for the Town Manager to look any other security options and to consider adding this request to the proposed budget.

Review of the proposals received in response to RFP 15-02 (Installation of a security fence along the walking path project) and potentially awarding a contract based upon those proposals.

Town Manager John Giles presented the bids received regarding RFP 15-02.

- Bid #1 – Long Fence Company - \$49,375.00
- Bid #2 – Seagull Fence Company - \$52,125.00
- Bid #3 – Pioneer Fence - \$53,933.00
- Bid #4 – Abel Fence - \$54,675.00
- Bid #5 - Nanticoke Fence Company - \$56,950.00
- Bid #6 – Anchor Fence Company - \$59,978.00

Town Manager John Giles recommended that the Mayor and Council award RFP 15-02 to Long Fence Company.

At this time there was a discuss regarding the fact that the bids were lower than expected and that the Town can now afford to install the fence with no financial contribution from the Town, only contributions from other agencies.

ACTION: A motion was made by Councilwoman Frantz to award RFP 15-02 to Long Fence in the amount of \$49,375.00 and not to exceed \$54,195.00 including any change orders. The motion was seconded by Councilman Jaremchuk.

VOTE: 7-0 All-in-Favor Motion carried

Review of the special events scheduled for 2015.

Town Manager John Giles presented the proposed 2015 event schedule.

Councilwoman Personti asked that the Town Manager continue to consider live music before the movies and also asked the Town Manager to reach out to Brandywine Counselling Center regarding their involvement in a number of community events and potentially sponsoring some of the Town's events.

Mr. Ted Pfirrmann, 113 Ohio Avenue, recommended that the Town look into the possibility of having food trucks come to the events, making no cost to the Town for the food and less staff required.

There was a brief discussion regarding concerns about the Community Yard Sale being scheduled for after the Town Wide Clean Up Day this year and how the Town has not seen the items sitting at the curb for a week compared to previous years. It was decided that it should not cause a conflict this year.

Town Manager John Giles stated that the Town is going to request to use the gymnasium at Corpus Christi for the Halloween event, however, he does believe they will say no.

Consideration of Resolution 15-02.

ACTION: A motion was made by Councilman Kacperski to approve Resolution 15-02. The motion was seconded by Councilwoman Norkavage.

Town Manager John Giles explained that this resolution is to extend the line of credit that the Town currently has with M & T Bank and explained that the Town has had this line of credit for several years now and never used it.

VOTE: 7-0 All-in-Favor Motion carried

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles presented the written report.

Finance

Town Manager John Giles presented the written report.

Public Safety

Chief Laura Giles presented her written report. She stated that she has received 7 new laptops for the vehicles from the State and that she has requested 2 additional computers should they become available. She stated that she has 25 applicants for the vacant position and that the applications look good.

Public Works

Town Manager John Giles presented the written report.

Town Manager

Town Manager John Giles presented the written report. He added the following items to his report.

1. Town Solicitor Ed McNally stated that he, Councilman Jaremchuk and Town Manager John Giles met with the Assistant Attorney General Matt Lintnor regarding funding available to rehab vacant property, it was recommended that the contact the Center for Community Progress regarding funding opportunities and that they will be meeting with the Center for Community Progress to determine what is available to the Town. He recommends that the Town authorize him to discuss their services with other municipalities and spend no more than \$2,500.00 on these discussions.

ACTION: A motion was made by Councilman Jaremchuk to authorize the Town Solicitor to contact other municipalities to research potential housing funds and to

expend no more than \$2,500.00 in legal fees. The motion was seconded by Councilwoman Norkavage.

VOTE: 7-0 All-in-Favor Motion carried

2. Town Manager John Giles stated that the Town has received a price for an AED Machine for the Town Hall and the estimate is \$1,085.97.

ACTION: A motion was made by Councilman Jaremchuk to approve the purchase of an AED Machine for \$1,085.97.

Chief Laura Giles stated she was just notified that you can no longer get a 500 AED Machine serviced, even though you can purchase them you cannot get them serviced.

Councilman Jaremchuk stated that he would like the Town Manager to look into a serviceable AED and come back to Council.

3. Follow up from last meeting Ms. Johnston the resident who had an issue receiving her security deposit from the “Gardens at Little Mill Creek” has been issued a full refund.
4. The Board of Elections will meet on Tuesday, February 17, 2015 to discuss the election. The agenda is available.
5. Homeland Security Grant – the Town applied for a Homeland Security Grant in the amount of \$46,892.93 for the upgrade and replacement of the camera system at Town Hall. We have been approved for roughly \$18,000.00 of that project which includes replacing 8 cameras and installing one new camera.

Councilman Jaremchuk asked if we could look into obtaining the minutes of the committee who awards these grants to find out who received what awards and for what projects.

6. The League of Local Governments meeting is Thursday, February 26, 2015 at 6:30pm, he asked that anyone interested in attending please contact Mrs. Cynthia Pfirrmann by Tuesday, February 17, 2015 so she can send the reservations.
7. He stated that intends to meet with Senator Blevins and Representative Mitchell to discuss their annual funding for street repairs, he also asked if the Mayor and Council had any topics they would like discussed during this meeting.
8. Would the Council like to replace the Holly Tree with a real Christmas Evergreen Tree, we have been notified that the holly tree is not going to last much longer if we keep pruning it like we do.

There was a consensus among the Mayor and Council to replace the Holly Tree.

9. We need to enter into an agreement with Best Best & Kreiger for their assistance in negotiating the Comcast Franchise Renewal, this was discussed with the Council in the fall of 2013 and the rate is \$315.00 per hour. It is now time to negotiate the contract and there is a meeting scheduled with a representative with Best Best and Kreiger on February 26, 2015 to discuss the agreement and what the Town would like to accomplish during the renewal.

ACTION: A motion was made by Councilman Jaremchuk to authorize the Town Manager to sign an agreement with Best Best & Kreiger at a rate of \$315.00 per hour for the negotiation of the Comcast Franchise Agreement Renewal. The motion was seconded by Councilwoman Frantz.

VOTE: 7-0 All-in-Favor Motion carried

10. Recycle Magents – the Town received 2500 magnets from the Delaware Solid Waste Authority at no cost and include the Town Seal. They include what you can and cannot recycle.
11. March 3, 2015 from noon – 2pm members of the staff will be meeting at the Fire Hall with businesses who have State licenses listed in Elsmere but who do not have an Elsmere Business license. Also, 2pm-3:30pm on the same date the staff will meet with all home occupation license holders to discuss what restrictions the Town has that makes it difficult to obtain a home occupational use permit.
12. Town Manager Giles would like the Mayor to appoint two members of the Council to work with the Administration and the Code Enforcement Department in the review of the business license regulations and to propose any necessary changes.

Mayor Burg appointed Councilwoman Personti & Councilman Kacperski to meet with the staff to review the business license regulations.

13. We have been made aware of a potential issue regarding tax documents which were issued to pensioners from the Original Police Pension Plan, he was notified by a pensioner that his documents stated that he received less money in 2014 than he had in 2013 even though he received a COLA increase. He stated that the Finance Director believes that this is because of the change in the date in which the funds are deposited in the pensioners' accounts.

ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:

Mayor – None

District 1 – None

District 2 – None

District 3 – None

District 4 – None

District 5 – None

District 6 – Councilwoman Norkavage asked if the Town could look into a prescription drug take back event again this year.

PUBLIC COMMENT:

Mr. Ted Pfirrmann, 113 Ohio Ave, stated that he recently adopted Kirkwood Highway from Union Street to Centerville Road in the Adopt-a-highway program and that he will be looking for volunteers to assist in cleaning up the gutters along the highway. He plans to complete this once a month during the warm months and once every other month during the winter.

ADJOURNMENT:

ACTION: A motion was made by Councilman Jaremchuk to adjourn. The motion was seconded by Councilwoman Frantz.

VOTE: 7-0 All-in-Favor Motion carried

These minutes summarize the agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio recordings of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio recordings may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

STEVEN E. BURG
MAYOR

JOANN I. PERSONTI
SECRETARY